

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CRAIG CUNNINGHAM,

Plaintiff,

v.

MICHAEL MONTES, Tollfreezone.com, Inc.,  
Mydataguys.com, LLC, Podmusicgear.com, Inc.,  
Tollfreezone.com, Inc., dba Docauditor.com,  
Tollfreezone.com, Inc., dba Mobile Trackme,  
Emailmyvmail.Com, Inc., and John and Jane Does 1-10,

Case No. 16-cv-761

Defendants.

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**DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSES  
TO DEFENDANTS' PROPOSED FINDINGS OF FACT**

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NOW COME Defendants, by and through their legal counsel, Axley Brynelson, LLP, by Kevin D. Trost, and reply as follows to those proposed findings of fact submitted by the Defendants to which the Plaintiff did not admit:

14. No challenge. The First Amended Complaint does not seek compensation for text messages.
15. No challenge. The First Amended Complaint does not seek compensation for text messages.
16. Admit Plaintiff testified calls occurred between 2015 – 2018. Testimony conflicts with Plaintiff's records of dates of calls.
20. No challenge to Plaintiff's correction of testimony. Plaintiff testified that he heard no voices in the recordings whom Plaintiff believed to be Michael Montes.
21. Denied. Plaintiff's counterstatement is a legal conclusion, not a factual statement.

22. Denied. Plaintiff's counterstatement is a legal conclusion, not a factual statement.

23. Denied. Plaintiff's counterstatement is a legal conclusion, not a factual statement.

24. Denied. Plaintiff's counterstatement is a legal conclusion, not a factual statement.

25. Denied. Plaintiff's counterstatement is a legal conclusion, not a factual statement.

31. Denied. Plaintiff's cited testimony as to Montes placing calls refers to calls concerning political candidates, which are not calls at issue in this lawsuit. (Deposition of Michael Montes, 101-102, 117-118, Dkt 127.)

32. Denied. Plaintiff's cited testimony as to Montes placing calls refers to calls concerning political candidates, which are not calls at issue in this lawsuit. (Deposition of Michael Montes, 101-102, 117-118, Dkt 127.)

33. Denied. Montes' testimony is that any records would be held by third party Dialer.TO. (Deposition of Michael Montes, 59, Dkt 127.)

Dated this 25th day of February, 2019.

AXLEY BRYNELSON, LLP

Electronically signed by Kevin D. Trost

Kevin D. Trost, State Bar No. 1028231

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